

#5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Patrick A. Worfolk et al.

Serial No.: 10 / 056,178 Group No.: 2662

Filed: January 22, 2002 Examiner:

For: MULTI-PATH DYNAMIC ROUTING ALGORITHM



COPY OF PAPERS
ORIGINALLY FILED

Box Missing Part
Assistant Commissioner for Patents
Washington, D.C. 20231

COMPLETION OF FILING REQUIREMENTS
— NONPROVISIONAL APPLICATION

(check and complete this item, if applicable)

I. This replies to the Notice to File Missing Parts of Application (PTO-1533) mailed 02/28/2002

NOTE: If these papers are filed before the office letter issues, adequate identification of the original papers should be made, e.g., in addition to the name of the inventor and title of invention, the filing date based on the "Express Mail" procedure, the serial number from the return post card or the attorney's docket number added.

A copy of the Notice to File Missing Parts of Application—Filing Date Granted (Form PTO-1533) is enclosed.

NOTE: The PTO requires that a copy of Form PTO-1533 be returned with the response to the notice to file missing parts to the application.

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

FACSIMILE

transmitted by facsimile to the Patent and Trademark Office.

Merle P. Garcia
Signature

Date: August 14, 2002

Merle P. Garcia
(type or print name of person certifying)

(Completion of Filing Requirements — Nonprovisional Application (5-1)—page 1 of 6)

DECLARATION OR OATH

II. No declaration or oath was filed. Enclosed is the original declaration or oath for this application.

NOTE: If the correct inventor or inventors are not named on filing a nonprovisional application under § 1.53(b) without an executed oath or declaration under § 1.63, the later submission of an executed oath or declaration under § 1.63 during the pendency of the application will act to correct the earlier identification of inventorship. 37 C.F.R. § 1.48(f)(1).

OR

The declaration or oath that was filed was determined to be defective. A new original oath or declaration is attached.

NOTE: For surcharge fee for filing declaration after filing date complete item VI(3) below.

NOTE: Acceptable minimums in the declaration for identification of the specification to which it applies are the name of the inventor and (1) serial number (2) attorney docket number which was on the application as filed and the filing date (3) title of the invention and filing date (4) title of invention and reference to a specification which is attached to the declaration at the time of execution and filed with the declaration or (5) title of invention and a statement by a registered attorney that the application filed in the PTO is the application which the inventor executed by signing the declaration. If identification (4) is used it must be accompanied by a statement that the "attached" specification is a copy of the specification and any amendments thereto which were filed in the PTO to obtain the filing date; such a statement must be a verified statement if made by a person not registered to practice before the PTO. Notice of September 12, 1983 (1035 O.G. 3).

NOTE: Another minimum found acceptable in the declaration is the filing date (i.e., date of express mail) and the express mail number, useful where the serial number is not yet known. But note the practice where the express mail deposit is a Saturday, Sunday or holiday within the District of Columbia. 37 C.F.R. 1.10(c).

(complete (c) or (d), if applicable)

Attached is a

(c) Statement by a registered attorney that the application filed in the PTO is the application that the inventor executed by signing the declaration.

(d) Statement that the "attached" specification is a copy of the specification and any amendments thereto that were filed in the PTO to obtain the filing date.

AMENDMENT CANCELLING CLAIMS

III. Cancel claims _____ inclusive.

TRANSMITTAL OF ENGLISH TRANSLATION OF NON-ENGLISH LANGUAGE PAPERS

IV. Submitted herewith is an English translation of the non-English language application papers as originally filed. Also submitted herewith is a statement by the translator of the accuracy of the translation. It is requested that this translation be used as the copy for examination purposes in the PTO.

NOTE: For fee processing a non-English application, complete item VI(5) below.

NOTE: A non-English oath or declaration in the form provided by the PTO need not be translated. 37 C.F.R. 1.69(b).

SMALL ENTITY STATUS

10

A statement that this filing is by a small entity
(check and complete applicable items)

is attached.

A separate refund request accompanies this paper.

was filed on _____ (original).

COMPLETION FEES

vi.

WARNING: Failure to submit the surcharge fees where required will cause the application to become abandoned. 37 C.F.R. 1.53.

NOTE: For effect on fees of failure to establish status, or change status, as a small entity, see 37 C.F.R. 1.28(a).

1. Filing fee

original patent application
(37 C.F.R. 1.16(a)—\$790.00; Small entity—\$395.00) \$ _____

design application
(37 C.F.R. 1.16(l)—\$330.00; small entity—\$165.00) \$ _____

2. Fees for claims

each independent claim in excess of 3
(37 C.F.R. 1.16(b)—\$82.00; small entity—\$41.00) \$ _____

each claim in excess of 20
(37 C.F.R. 1.16(c)—\$22.00; small entity—\$11.00) \$ _____

multiple dependent claim(s)
(37 C.F.R. 1.16(d)—\$270.00; small entity—\$135.00) \$ _____

3. Surcharge fees

late payment of filing fee

and/or

late filing of original declaration or oath
(37 C.F.R. 1.16(e))—\$130.00; small entity—\$65.00): \$_____

NOTE: Even where a facsimile declaration or oath signed by the inventor(s) was part of the originally filed papers, the surcharge fee is required.

NOTE: If both the filing fee and declaration or oath were missing from the original papers, only one surcharge fee for both need be paid. 37 C.F.R. 1.16(a).

4. <input checked="" type="checkbox"/> Petition and fee for filing by other than all the inventors or a person not the inventor (37 C.F.R. 1.17(l) and 1.47—\$130.00)	\$ <u>130.00</u>
5. <input type="checkbox"/> Fee for processing an application filed with a specification in a non-English language (37 C.F.R. 1.17(k) and 1.52(d)—\$130.00)	\$ _____
6. <input type="checkbox"/> Fee for processing and retention of application (37 C.F.R. 1.21(l) and 1.53(d)—\$130.00)	\$ _____
7. <input type="checkbox"/> Assignment (See "ASSIGNMENT COVER SHEET".)	\$ _____

NOTE: 37 C.F.R. 1.21(l) establishes a fee for processing and retaining any application which is abandoned for failing to complete the application pursuant to 37 C.F.R. 1.53(l) and this, as well as, the changes to 37 C.F.R. 1.53 and 1.78 indicate that in order to obtain the benefit of a prior U.S. application, either the basic filing fee or the processing and retention fee of § 1.21(l) within 1 year of notification under § 1.53(l) must be paid.

Total completion fees \$ 130.00

EXTENSION OF TIME

VII.

(complete (a) or (b), as applicable)

The proceedings herein are for a patent application, and the provisions of 37 C.F.R. 1.136(a) apply.

(a) Applicant petitions\ for an extension of time, the fees for which are set out in 37 C.F.R. 1.17(a)(1)-(4), for the total number of months checked below:

<u>Extension (months)</u>	<u>Fee for other than small entity</u>	<u>Fee for small entity</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 400.00	\$ 200.00
<input type="checkbox"/> three months	\$ 950.00	\$ 475.00
<input type="checkbox"/> four months	\$1,510.00	\$ 755.00

Fee \$ _____

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

An extension for _____ months has already been secured, and the fee paid therefor of \$_____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$_____

or

(b) Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

TOTAL FEE DUE

VIII.

The total fee due is

Completion fee(s) \$ 130.00

Extension fee (if any) \$ _____

Total Fee Due \$ 130.00

PAYMENT OF FEES

IX.

Enclosed is a check in the amount of \$ _____
 Charge Account No. 19-0590 in the amount of \$ 130.00
A duplicate of this request is attached.

NOTE: Fees should be itemized in such a manner that it is clear for which purpose the fees are paid. 37 C.F.R. 1.22(b).

Please charge Account No. _____ for any fees that may be due by this paper

AUTHORIZATION TO CHARGE ADDITIONAL FEES

X.

WARNING: Accurately count claims, especially multiple dependent claims, to avoid unexpected high charges if extra claims are authorized.

NOTE: "Amounts of twenty-five dollars or less will not be returned unless specifically requested within a reasonable time, nor will the payer be notified of such amounts; amounts over twenty-five dollars may be returned by check or, if requested, by credit to a deposit account." 37 C.F.R. § 1.26(a).

The Commissioner is hereby authorized to charge the following additional fees that may be required by this paper and during the pendency of this application to Account No. 19-0590

37 C.F.R. 1.16(a), (f) or (g) (filing fees)

37 C.F.R. 1.16(b), (c) and (d) (presentation of extra claims)

NOTE: Because additional fees for excess or multiple dependent claims not paid on filing or on later presentation must only be paid on those claims cancelled by amendment prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency (37 C.F.R. 1.16(d)), it might be best not to authorize the PTO to charge additional claim fees, except possibly when dealing with amendments after final action.

37 C.F.R. 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)

37 C.F.R. §§ 1.17(a)(1)-(5) (extension fees pursuant to § 1.136(a))

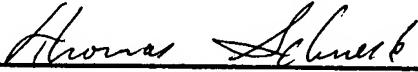
37 C.F.R. 1.17 (application processing fees)

NOTE: "A written request may be submitted in an application that is an authorization to treat any concurrent or future reply, requiring a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. An authorization to charge all required fees, fees under § 1.17, or all required extension of time fees will be treated as a constructive petition for an extension of time in any concurrent or future reply requiring a petition for an extension of time under this paragraph for its timely submission. Submission of the fee set forth in § 1.17(a) will also be treated as a constructive petition for an extension of time in any concurrent reply requiring a petition for an extension of time under this paragraph for its timely submission." 37 C.F.R. § 1.136(a)(3).

37 C.F.R. 1.18 (Issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. 1.311(b))

NOTE: Where an authorization to charge the issue fee to a deposit account has been filed before the mailing of a Notice of Allowance, the issue fee will be automatically charged to the deposit account at the time of mailing the notice of allowance. 37 C.F.R. 1.311(b).

NOTE: 37 C.F.R. 1.28(b) requires "Notification of any change in loss of entitlement to small entity status must be filed in the application . . . prior to paying, or at the time of paying . . . issue fee . . ." From the wording of 37 C.F.R. 1.28(b): (a) notification of change of status must be made even if the fee is paid as "other than a small entity" and (b) no notification is required if the change is to another small entity.



SIGNATURE OF PRACTITIONER

Reg. No. 24,518

Thomas Schneck

(Type or print name of practitioner)

Tel. No.: (408) 297-9733

P.O. Box 2-E

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UNITED STATES PATENT AND TRADEMARK OFFICE
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/056,178	01/22/2002	Patrick A. Worfolk	CALY-012 CIP

003897
LAW OFFICE OF THOMAS SCHNECK
P.O. BOX 2-E
SAN JOSE, CA 95109-0005

CONFIRMATION NO. 1061
FORMALITIES LETTER

OC000000007554141

Date Mailed: 02/28/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 65.**

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center
Initial Patent Examination Division (703) 308-1202
PART 2 - COPY TO BE RETURNED WITH RESPONSE

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**ADDED PAGE TO COMBINED DECLARATION
AND POWER OF ATTORNEY FOR SIGNATURE BY JOINT INVENTOR(S)
ON BEHALF OF NONSIGNING INVENTOR(S) WHO REFUSE(S)
TO SIGN OR CANNOT BE REACHED (37 CFR 1.47(a))**

I. I am an above named joint inventor and have signed this declaration on my own behalf and also sign this declaration under 37 CFR 1.47(a) on behalf of the nonsigning joint inventor, particulars for whom are:

Full name of (first, second, etc.) Serge Plotkin
nonsigning inventor who

refuses to sign
 cannot be found or reached

NOTE: The name of the nonsigning inventor(s) should preferably also be filled in at the appropriate prior space in the declaration, adding the words "nonsigning inventor-completed on added page."

U.S.A.

Country of Citizenship of nonsigning inventor
 2428 Coronet Blvd., Belmont, CA 94002

Last known address of nonsigning inventor

NOTE: Ordinarily, the last known address will be the last known residence of the nonsigning inventor(s). A post office box is insufficient. Other addresses at which the nonsigning inventor(s) may be reached should also be given. These can best be given in the Statement Of Facts In Support Of Filing On Behalf Of Omitted Inventor. MPEP § 409.03(e), 6th ed.

II. Accompanying this declaration is:

(1) A STATEMENT OF FACTS IN SUPPORT OF FILING ON BEHALF OF NONSIGNING INVENTOR
 (2) THE PETITION FEE OF \$130.00 (37 CFR 1.17(a))

Patrick A. Worfolk

(Type or print name of joint inventor
signing on behalf of nonsigning
inventor)

Patrick A. Worfolk

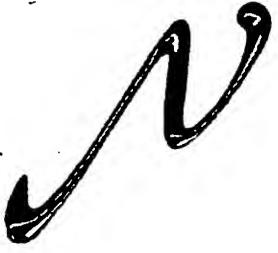
Signature

(Added Page to Combined Declaration and Power of Attorney For Signature By One Joint Inventor on Behalf of Nonsigning Inventor(s) Who Refuse(s) to Sign or Cannot Be Reached [1-4]—page 1 of 1)

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Caly Corporation & Subsidiaries:

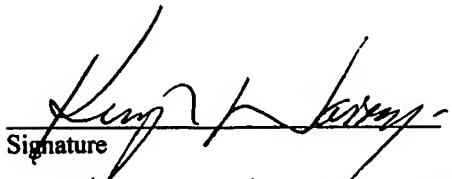
Caly Networks (California)

Caly Networks Europe SARL (France)

8 August, 2002

Subject: Statement of Facts Regarding Serge Plotkin (patent USPTO# 10/056,178)

I, Kevan Nasser, Chief Financial Officer of Caly Corporation doing business as Caly Networks, Inc. certify that we have attempted on several occasions during the period from 2/1/2002 to 8/9/2002 to contact Serge Plotkin, one of the inventors of US Patent #10/056,178, and have been unsuccessful in reaching him to sign the documents necessary for filings related to this patent.


Signature

Name / Title

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IDENTIFICATION OF PERSON MAKING THIS STATEMENT OF FACTS

Kevan Nasser, Chief Financial Officer

Name

Caly Corporation

295 Santa Ana Court, Sunnyvale, CA 94086

Address

LAST KN WN ADDRESS F THE N NSIGNING INVENTOR

NOTE: The last known address of the nonsigning inventor must be stated so that the PTO can forward the notice of filing of the application to the nonsigning inventor at said address. (37 C.F.R. § 1.47). A post office box is insufficient. M.P.E.P. § 409.03(e), 6th ed.

Serge Plotkin

Full name of nonsigning inventor

2428 Coronet Blvd.; Belmont, CA 94002

Last known address of nonsigning inventor

NOTE: Ordinarily, the last known address will be the last known residence of the nonsigning inventor, but other addresses at which the nonsigning inventor may be reached should also be given in the space below. M.P.E.P. § 409.03(e), 6th ed.

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